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DEPARTMENT FOR L, EUR, EUR/SCE; NSC FOR BRAUN

E.O. 12958: DECL: 01/01/2017

TAGS: PTER PGOV PREL PINR BK

SUBJECT: BOSNIA - SILAJDZIC RAISES ALGERIAN 6 GUANTANAMO
DETAINEES

REF: A. 06 SARAJEVO 3270

1B. 06 SARAJEVO 3144

1C. 06 STATE 125002

1D. 06 SARAJEVO 2575

Classified By: Ambassador Douglas McElhaney. Reason 1.4(b) and (d).

11. (S) SUMMARY: At a January 18 meeting, Bosniak member of the Tri-Presidency raised the Algerian 6 with the Ambassador.

Silajdzic said that his impression was that the U.S. planned to release the six men and posed several questions about how their citizenship might impact that decision. We followed up with two members of Silajdzic's staff and explained the Accountability Review Board process based on guidance provided in Ref C. It is unclear what prompted Silajdzic's interest in the Algerian 6, but if it endures management of the issue will become more difficult. END SUMMARY

12. (S) At a January 18 meeting on other matters, Bosniak Tri-Presidency Member Haris Silajdzic requested clarification from the Ambassador on issues regarding the Algerian 6. Noting that the lawyers for the detainees had been in contact with the Presidency, Silajdzic told the Ambassador that it was unclear what Bosnia's responsibilities would be if any of the detainees were released from U.S. custody. Silajdzic said that as he understood from President Bush's new detainee policy, it was likely the men would be released from Guantanamo Bay and possibly transferred to Bosnia. (Note: Silajdzic is referring to the President's September 6 speech on the subject. It appears that Bosnia's Ambassador to the U.S. reported that speech as signaling release of the Algerian 6. End Note).

13. (S) Silajdzic outlined three possible scenarios involving the nationality of the 6 detainees, and queried the Ambassador as to what Bosnia's responsibility would be under each circumstance. Silajdzic, claiming he was unaware of any Bosnian government decision regarding each of the detainee's citizenship, asked what would be asked of the Bosnian government if any of the detainees were: 1) Bosnian citizens; 2) Stateless persons; or, 3) Algerian citizens. Silajdzic asked whether Bosnia would be asked to organize the men's extradition back to Bosnia, or initiate any criminal proceedings against them. As for the third option, Silajdzic noted that Bosnia may have special responsibilities because if the men were to be extradited to Algeria, they could face the death penalty.

14. (S) We followed up with two members of Silajdzic's staff, Sejfudin Hodzic, Foreign Affairs Advisor, and Damir Araud, a former State Department lawyer, who is Silajdzic's Advisor on

Constitutional and Legal Affairs, and presented them with information about the Accountability Review Board process outlined in Ref C. We also noted that this same information had been provided to acting Prime Minister Adnan Terzic's office as well as to advisors to Presidency Chairman Nebojsa Radmanovic. Though 30 days had passed since those exchanges, we explained that we would forward any material provided by GBiH to appropriate authorities in Washington.

15. (S) Comment: It is unclear what prompted Silajdzic to weigh-in on the Algerian 6. As we have noted previously the rise in Bosniak nationalism coupled with a more aggressive and effective lobbying campaign on behalf of the Algerian 6 have raised their profile. It has also prompted much outside criticism, including from European human rights activists, of the Bosnian government's management of their cases. Both may explain Silajdzic's interest. Of course, it is possible that internal memorandums about the Embassy's December 2006 exchange with the Presidency on the Algerian 6 are only now hitting Silajdzic's desk. Arnaud and Hodzic told us that the three Presidents' staffers do not hold any regular coordination meetings. Regardless, if Silajdzic's interest endures, given his politics, it is likely to make U.S.-GBiH management of the issue more complicated.

MCELHANEY